

## **NIGERIA**

### **Constitution of the Federal Republic of Nigeria, 1999**

#### **Chapter IV. Fundamental Rights**

**33.** (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

#### **Criminal Code, of 1916 (applied in southern States).**

**228.** Any person who, with intent to procure miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

**229.** Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

**230.** Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

**297.** A person is not criminally responsible for performing in good faith and with reasonable skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

**328.** Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a felony, and is liable to imprisonment for life.

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### **Penal Code, Law No. 18, of 1959 (applies to northern States).**

#### **Section 232. Causing a Woman to Miscarry**

Whoever voluntarily causes a woman with child to miscarry shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment for a term which may extend to fourteen years or with fine or with both.

### **Section 233. Causing death of a woman with the intent of causing her miscarriage**

Whoever with intent of causing the miscarriage of a woman, whether with child or not, does any act which causes the death of such woman, shall be punished:

- (a) with imprisonment for a term which may extend to fourteen years and shall also be liable to fine, and
- (b) if the act is done without the consent of the woman, with imprisonment for life, or for any less term and shall also be liable to fine.

### **Section 234. Using force on a woman to cause her miscarriage**

Whoever uses force to any woman and thereby unintentionally causes her to miscarry, shall be punished:

- (a) with imprisonment for a term which may extend to three years or with fine or with both, and
- (b) if the offender knew that the woman was with child, he shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

### **Section 235. Preventing a child from being born alive**

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, shall if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment for a term which may extend to fourteen years or with fine or with both.

### **Section 236. Causing the death of unborn child**

Whoever does any act in such circumstances that, if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child shall be punished with imprisonment for life or for a less term and shall also be liable to fine.